19 47. **File No.** C Shops & Ests H/47

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Legal DEPARTMENT

A BRANCH

Subject.—

Opinions under the Bomb Shops and Establishmen Act 1939.

D 2 E

File No. C. Shops & Estt/47

Std. Sectt. Slip 24 B e.

426-A

C O N T E N T S.

Legal Department File No. C. Shops and Estt./1947.

Sr. No.	Compilation No.	Subject	Pages.
		Opinions under the Shops and Estt. Act, 1939.	
1.	C. No. 7933 31-7-47	Section 4(1) Cl. (k) Question whether it would be legally feasible for Govt. to grant exemption to the Millowners' Association, Ahmedabad, from the operation of the Act subject to the condition that all the provisions other than those of Section 13 should be observed.	1-2

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9/5/56
5 c.

Office of the R. L. A.

The question raised for the consideration of the R. L. A. is whether under clause (k) of section 4(1) of the Bombay Shops and Establishments Act, 1939, it would be legally feasible for Government to grant exemption to the Millowners' Association, Ahmedabad from the operation of the Act subject to the condition that all the provisions other than those of section 13 should be observed.

A similar question arose in 1944 and the R. L. A. in his opinion No. 6041, dated 19-12-1944, opined:

> "It is true that clause (k) of sub-section (1) of section 4 of the Bombay Shops and Establishments Act, 1939, does not provide for the grant of a conditional exemption but there is no objection to imposing conditions by an executive order which in case of non-compliance can be enforced by the threat of withdrawing the exemption under sub-section (2). The conditions will have no legal sanction behind them but may in the circumstances secure due observance."

The same expedient may be resorted to in the present case to get over the difficulty.

Remembrancer of Legal Affairs.

U.R. to P. & S. D., No. 7933 dated the 31st July, 1947.

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